

Case 2:14-mj-06137-DKD \*SEALED\* Document 2 \*SEALED\* Filed 05/15/14 Page 1 of 1  
 UNITED STATES DISTRICT COURT MAGISTRATE JUDGE'S MINUTES  
 DISTRICT OF ARIZONA - Phoenix

DATE: 5/15/2014 CASE NUMBER: 14-06137MJ-001  
**SEALED**

USA vs. Paul Eugene Prewitt

U.S. MAGISTRATE JUDGE: DAVID K. DUNCAN

A.U.S. Attorney Dimitra Sampson for Vincent Q. Kirby INTERPRETER \_\_\_\_\_  
 LANGUAGE \_\_\_\_\_

Attorney for Defendant Elizabeth Janney Kruschek (AFPD)

DEFENDANT: ☒ PRESENT ☐ NOT PRESENT ☒ CUSTODY

DOA 5/15/2014 ☒ Initial Appearance ☒ Appointment of counsel hearing held  
☒ Financial Afdvt taken ☐ Defendant Sworn ☐ Financial Afdvt sealed  
☒ Rule 5(c)(3) ☐ Defendant states true name to be \_\_\_\_\_. Further proceedings ORDERED  
 in Defendant's true name.

<b>DETENTION HEARING:</b> <input type="checkbox"/> Held <input type="checkbox"/> Con't <input checked="" type="checkbox"/> Submitted <input type="checkbox"/> Reset Set for: Before: <input type="checkbox"/> Defendant ordered temporarily detained in the custody of the United States Marshal <input checked="" type="checkbox"/> Defendant ordered released <u>on own recognizance with conditions without Pretrial Supervision</u> <input type="checkbox"/> Defendant continued detained pending trial	<b>IDENTITY HEARING:</b> <input type="checkbox"/> Held <input type="checkbox"/> Con't <input type="checkbox"/> Submitted <input type="checkbox"/> Reset <input checked="" type="checkbox"/> Waived Set for: Before: <input type="checkbox"/> Warrant of removal issued.
<b>PRELIMINARY HEARING:</b> <input type="checkbox"/> Held <input type="checkbox"/> Con't <input type="checkbox"/> Submitted <input type="checkbox"/> Reset <input type="checkbox"/> Waived Set for: Before: <input type="checkbox"/> Probable cause found <input type="checkbox"/> Dismissed <input type="checkbox"/> Held to answer before District Court	<b>STATUS HEARING: re: _____</b> <input type="checkbox"/> Held <input type="checkbox"/> Con't <input type="checkbox"/> Reset Set for: Before:

Other: Written Order to follow with date/time for defendant to appear in the prosecuting district.

Recorded by Courtsmart  
 BY: Kathy Lara  
 Deputy Clerk

CERTIFIED TO BE A TRUE COPY  
 DATED: 5-33-14

IA/ID: 2 mins. (4:16 PM - 4:20 PM)  
 DH: 2 mins.

cc: AUSA/Def Cnsl/PTS/USMS

CLERK OF THE COURT  
 UNITED STATES DISTRICT COURT  
 DISTRICT OF ARIZONA

BY [Signature]  
 DEPUTY CLERK

AO 466A (Rev. 12/09) Waiver of Rule 5 &amp; 5.1 Hearings (Complaint or Indictment)

<input checked="" type="checkbox"/> FILED	<input type="checkbox"/> LODGED
<input type="checkbox"/> RECEIVED	<input type="checkbox"/> COPY
MAY 15 2014	
CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY _____	DEPUTY

## UNITED STATES DISTRICT COURT

for the  
District of Arizona**SEALED**

United States of America

v.

Paul Prewitt

Defendant

Case No. 14-6137MJ

Charging District's Case No.

7:14-CR-004-0

WAIVER OF RULE 5 & 5.1 HEARINGS  
(Complaint or Indictment)I understand that I have been charged in another district, the (name of other court) N. Dist. Texas

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing within 14 days of my first appearance if I am in custody and 21 days otherwise — unless I am indicted — to determine whether there is probable cause to believe that an offense has been committed;
- (5) a hearing on any motion by the government for detention;
- (6) request transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- ☒ an identity hearing and production of the warrant.
- ☐ a preliminary hearing.
- ☐ a detention hearing.
- ☐ an identity hearing, production of the warrant, and any preliminary or detention hearing to which I may be entitled in this district. I request that those hearings be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: 5-15-14

Defendant's signature

Signature of defendant's attorney

Elizabeth J. Knechen

Printed name of defendant's attorney

CERTIFIED TO BE A TRUE COPY

DATED: 5-22-14CLERK OF THE COURT  
UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONABY   
DEPUTY CLERK

cc: AUSA / Def Cns)

**United States District Court--District of Arizona - Phoenix**  
**Order Setting Conditions of Release**

DATE: 5/15/2014CASE NUMBER: 14-06137M-001**SEALED**

USA vs. Paul Eugene Prewitt

☐ PERSONAL RECOGNIZANCE☐ AMOUNT OF BOND \_\_\_\_\_☐ UNSECURED☐ SECURED BY \_\_\_\_\_

SECURITY TO BE POSTED BY \_\_\_\_\_

NEXT APPEARANCE or as directed through counsel

☐ 401 West Washington St., Phoenix, AZ, Courtroom #4, 4 Floor☐ Goodwin & Cortez, US Post Office Bldg., Prescott, AZ, 2nd Floor

<input checked="" type="checkbox"/> FILED	____ LODGED
____ RECEIVED	____ COPY
MAY 15 2014	
CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY _____	DEPUTY

**IT IS ORDERED THAT DEFENDANT IS SUBJECT TO THE FOLLOWING CONDITIONS AND SHALL:**

- ☒ appear at all proceedings as required and to surrender for service of any sentence imposed.
- ☒ not commit any federal, state or local crime.
- ☒ cooperate in the collection of a DNA sample if the collection is authorized by 42 U.S.C. § 14135a.
- ☒ immediately advise the court, defense counsel and U.S. Attorney in writing of change in address/telephone number.
- ☐ maintain or actively seek verifiable employment if defendant is physically or medically able and provide proof of such to Pretrial Services.
- ☐ not travel outside of: \_\_\_\_\_  
except Defendant may travel directly to the prosecuting district, and through all states and counties in between the District of Arizona and the prosecuting district, for Court purposes and lawyer conferences only unless express PRIOR Court or Pretrial Services permission is granted to do so.
- ☐ avoid all direct or indirect contact with persons who are considered alleged victim(s), potential witness(es), family members of victim(s)/witness(es), and/or ( ) the custodial parent, except Defendant may communicate with custodial parent solely for visitation purposes with his/her minor child(dren): \_\_\_\_\_
- ☐ report as directed to the U.S. PRETRIAL SERVICES 1-800-769-7609 or 602-322-7350.
- ☐ report as directed to the U.S. PROBATION OFFICE 602-322-7400 and abide by all terms of conditions of Supervised Release/Probation.
- ☐ execute an agreement to forfeit upon failing to appear as required, the bond or designated property: \_\_\_\_\_
- ☐ Defendant is placed in the third party custody of \_\_\_\_\_
- ☐ refrain from ☐ any ☐ excessive use of alcohol and not use or possess any narcotic or other controlled substance defined by 21 U.S.C. 802 unless prescribed for defendant by a licensed medical practitioner in the course of his/her legitimate medical practice. This provision does not permit the use or possession of medicinal marijuana even with a physician's written certification.
- ☐ participate in drug/alcohol counseling/treatment and submit to drug/alcohol testing, including breathalyzer testing and make copayment toward the cost as directed by U. S. Pretrial Services. The defendant shall not interfere, obstruct or tamper in any way with the administration of any Court ordered substance abuse testing.
- ☐ shall surrender all travel documents to Pretrial Services by ☒ and will not obtain a passport or other travel document during the pendency of these proceedings.
- ☐ obtain no passport.
- ☐ not possess or attempt to acquire any firearm, destructive device, or other dangerous weapon or ammunition.
- ☒ maintain weekly contact with his/her counsel by Friday, noon of each week with Elizabeth Kruschek
- ☐ shall timely pay his/her monthly child support payments as previously ordered by the subject state court in the total amount of \$ \_\_\_\_\_
- ☐ The defendant shall actively participate in any mental health treatment program as directed by Pretrial Services. The defendant shall comply with all treatment requirements including taking all medication as prescribed by his/her mental health care provider.
- ☐ shall not access via computer or possess any photographs or videos of sexually explicit conduct as defined by 18 U.S.C. § 2256(2)

CERTIFIED TO BE A TRUE COPY

DATED: 5-22-14

CLERK OF DISTRICT COURT

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

BY [Signature]

DEPUTY CLERK

**ADVICE OF PENALTIES AND SANCTIONS**

The commission of any offense while on pretrial release may result in an additional sentence upon conviction for such offense to a term of imprisonment of not more than ten years if the offense is a felony or a term of imprisonment of not more than one year if the offense is a misdemeanor. This sentence shall be consecutive to any other term of imprisonment.

Title 18 U.S.C. §1503 makes it a criminal offense punishable by imprisonment for life or by death, or, depending upon the specific provisions of the section not more than twenty years or by not more than ten years, and a \$250,000 fine to intimidate a juror or officer of the court; Title 18 U.S.C. §1510 makes it a criminal offense punishable by up to five years imprisonment and a \$250,000 fine to obstruct a criminal investigation; Title 18 U.S.C. §1512 makes it a criminal offense punishable by imprisonment for life or by death, or, depending upon the specific provisions of the section by not more than twenty years or by not more than ten years and a \$250,000 fine for tampering with a witness, victim or informant; or by intentionally harassing another person and thereby hindering /delaying /preventing or dissuading any person from attending or testifying in an official proceeding or otherwise violating the section is punishable by imprisonment for not more than one year and a \$250,000 fine; and 18 U.S.C. §1513 makes it a criminal offense punishable by imprisonment for life or by death, or, depending upon the specific provisions of the section not more than twenty years or by not more than ten years of imprisonment, a fine of \$250,000, or both, to retaliate against a witness, victim or informant, or threaten or attempt to do so.


It is a criminal offense under 18 U.S.C. §3146, if after having been released, the defendant knowingly fails to appear as required by the conditions of release, or to surrender for the service of sentence pursuant to a court order. If the defendant was released in connection with a charge of, or while awaiting sentence, surrender for the service of a sentence, or appeal or certiorari after conviction, for: (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, the defendant shall be fined not more than \$250,000 or imprisoned for not more than ten years, or both; (2) an offense punishable by imprisonment for a term of five years or more, the defendant shall be fined not more than \$250,000 or imprisoned for not more than five years or both; (3) any other felony, the defendant shall be fined not more than \$250,000 or imprisoned not more than two years, or both; (4) a misdemeanor, the defendant shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be consecutive to the sentence of imprisonment for any other offense. In addition, a failure to appear may result in the forfeiture of any bail posted.

If the person was released for appearance as a material witness, a fine as provided by law or imprisonment for not more than one year, or both.

**ACKNOWLEDGMENT OF DEFENDANT**

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

DATE 5-15-14	SIGNATURE OF DEFENDANT 
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Custodian agrees to (a) supervise the defendant in accordance with all conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and to notify the court immediately in the event the defendant violates any condition of release or disappears. We, the undersigned, have read and understand the terms of this bond and conditions of release and acknowledge that we are bound by it until duly exonerated.

SIGNATURE OF CUSTODIAN(S)
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Directions to United States Marshal:

- ☒ The defendant is ORDERED released after processing.
- ☐ The United States Marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions of release.

DATE: 5/15/2014

  
DAVID K. DUNCAN  
United States Magistrate Judge

USA, PTS/PROB, USM, DEFT, DEFT ATTY

- Dist. Atty  
5-15-14

AO 467 (Rev. 01/09) Order Requiring a Defendant to Appear in the District Where Charges are Pending and Transferring Bail

UNITED STATES DISTRICT COURT

for the  
District of Arizona

**SEALED**

United States of America

v.

Paul Eugene Prewitt

*Defendant*

)  
)  
)  
)  
)  
Case No. 14-06137M

Charging District: Northern District of Texas,  
Wichita Falls Division

Charging District's Case No. 7:14-CR-004-O

**ORDER REQUIRING A DEFENDANT TO APPEAR IN THE DISTRICT  
WHERE CHARGES ARE PENDING AND TRANSFERRING BAIL**

After a hearing in this court, the defendant is released from custody and ordered to appear in the district court where the charges are pending to answer those charges. If the time to appear in that court has not yet been set, the defendant must appear when notified to do so. Otherwise, the time and place to appear in that court are:

Place: 1000 Lamar Street Wichita Falls, Texas 76301	Courtroom No.: 222 Date and Time: Wednesday, 6/6/2014 at 10:00 AM
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The clerk is ordered to transfer any bail deposited in the registry of this court to the clerk of the court where the charges are pending.

Date: May 16, 2014



*Judge's signature*

David K. Duncan, United States Magistrate Judge

*Printed name and title*

cc: AUSA/Def Cns1/PTS/USMS

CERTIFIED TO BE A TRUE COPY  
DATED: 5-23-14

CLERK OF THE COURT  
UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

BY   
DEPUTY CLERK